

OFFICIAL COPY

Fresno, California

December 20, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President
Absent:	Brian Calhoun	Councilmember (Commitment made prior to meeting being scheduled)

Andy Souza, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Rinban Nobuo Miyaji of the Fresno Buddhist Temple gave the invocation, and President Dages led the Pledge of Allegiance.

(ADD-ON) PROCLAMATION OF "FIRE STATION NO. 15 DAY"

Read and presented.

APPROVE MINUTES OF DECEMBER 13, 2005

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of December 13, 2005, hereby approved, as corrected by Councilmember Westerlund on Page 146-196, relative to his comments under "Council Member Reports and Comments", changing Air National Guard to Army National Guard.

COUNCIL MEMBER REPORTS AND COMMENTS:

COMMENDATION TO "INSIDE NEWS" PUBLICATION WRITER PEGGY DAVID ON HER ARTICLE DEFENDING FRESNO - COUNCILMEMBER DUNCAN

Commendation made.

DISAPPOINTMENT WITH FRESNO BEE ARTICLE BY WRITER BILL McEWEN RELATIVE TO LACK OF ACTION BY CITY OFFICIALS ON DEVELOPER FEES - COUNCILMEMBER DUNCAN

Councilmember Duncan spoke to the article and to the five years that staff and the administration worked on the fee issue and stated the article was a cheap shot at the Mayor. City Manager Souza spoke further to the issue and added comments about the perceived lack of activity south of Shaw were out of line as well and explained.

(1) INTRODUCTION OF DISTRICT 3 COUNCIL ASSISTANT GREG BARFIELD; (2) THANK YOU TO CITY OF FRESNO AND ALL INVOLVED IN THE SUCCESSFUL TURKEY DRIVE; AND (3) COMMENDATIONS TO CORNERSTONE CHURCH ON THEIR DOWNTOWN PARTY AND THE FIRE & POLICE DEPARTMENTS FOR THEIR PARTICIPATION, THE SOUTHWEST POLICING DISTRICT AND ALL INVOLVED IN THEIR PARTY, AND THE CONVENTION CENTER "HOPE FOR THE HOLIDAYS" EVENT AND ALL INVOLVED - COUNCILMEMBER STERLING

Introduction made and thank you and commendations extended.

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(1) COMMENDATION TO STAFF FOR THEIR ALL THEIR WORK AND THE ADMINISTRATION FOR THEIR LEADERSHIP IN BRINGING THE DEVELOPER FEE ISSUE FORWARD; (2) INTENT TO BRING POLICY ISSUE FORTH IN JANUARY REQUIRING DEVELOPERS TO INSTALL 6' SIDEWALKS ON ALL MAJOR STREETS INSTEAD OF THE CURRENT 4' REQUIREMENT; AND (3) MERRY CHRISTMAS AND HAPPY NEW YEAR TO COUNCIL AND CITY STAFF - COUNCILMEMBER WESTERLUND

Commendation and announcements made.

COMMENDATION TO FRESNO BEE WRITER BILL McEWEN ON HIS DEVELOPER FEE ARTICLE - COUNCILMEMBER BOYAJIAN

Commendation made with Councilmember Boyajian speaking to the lack of smart growth and sprawl that has taken place and expressing concern that citizens are the ones that have to pay for needed infrastructure. President Dages spoke briefly to the fee issue and thanked staff for getting the fees done and Public Works Director Healey for taking on such an unpopular issue.

COMMENDATION TO CENTEX HOMES FOR AGREEING TO WORK WITH STAFF TO INSTALL A TRAFFIC SIGNAL AT CLOVIS AND BELMONT AVENUES DUE TO TRAFFIC CONGESTION - PRESIDENT DAGES

Commendation made.

APPROVE AGENDA:

(1-A) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5368 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. POLK AND W. INDIANAPOLIS AVENUE ALIGNMENT; AND AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS

Removed from the agenda at the request of staff.

(1-G) RESOLUTION - DENYING CONDITIONAL USE PERMIT APPLICATION NO. C-05-03 FOR A CELL TOWER, AS APPLIED FOR BY CRICKET COMMUNICATIONS, AND ADOPTING WRITTEN FINDINGS

City Clerk Klisch advised the date on resolution should be 2005 and not 2006. So noted.

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	Calhoun

ADOPT CONSENT CALENDAR:

(1-B) RESOLUTION NO. 2005-527 - APPROVING THE FINAL MAP OF TRACT NO. 4983 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, W. DAKOTA AND N. CORNELIA AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR OUTLOT MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR PLANTING AND MAINTENANCE OF FRONT YARD TREES

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(1-D) RESOLUTION NO. 2005-528 - APPROVING THE FINAL MAP OF TRACT NO. 5150 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. CHESTNUT BETWEEN E. COPPER AND E. INTERNATIONAL AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT WITH ADDENDUM FOR RIGHTS OF WAY ACQUISITION

2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

4. **RESOLUTION NO. 2005-529** - 48TH AMENDMENT TO AAR APPROPRIATING \$243,600 TO FUND RIGHT-OF-WAY ACQUISITION IN UGM TRACT NO. 5150

(1-E) RESOLUTION NO. 2005-530 - APPROVING THE FINAL MAP OF TRACT NO. 5359 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, W. HERNDON BETWEEN N. FRUIT AND N. WEST AVENUES

(1-F) RESOLUTION NO. 2005-531 - INTENT TO ANNEX FINAL TRACT NO. 5343 TO CFD NO. 2, ANNEXATION NO. 109, AND SETTING THE REQUIRED PUBLIC HEARING FOR JANUARY 24, 2006

(1-G) RESOLUTION NO. 2005-532 - DENYING CONDITIONAL USE PERMIT APPLICATION NO. C-05-03 FOR A CELL TOWER, AS APPLIED FOR BY CRICKET COMMUNICATIONS, AND ADOPTING WRITTEN FINDINGS

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	Calhoun

CONTESTED CONSENT CALENDAR:

(1-C) RESOLUTION NO. 2005-533 - APPROVING THE FINAL MAP OF TRACT NO. 5237 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, E. DAKOTA AND N. TEMPERANCE AVENUES, as amended, adding a condition for 6-foot sidewalks on Dakota and Locan Avenues

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT WITH ADDENDUM FOR RIGHTS OF WAY ACQUISITION, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR INTERIM SEWER SURETY FEE AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR SPECIAL SOLID WASTE SERVICE

3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING THE RIGHT TO FARM LAW

4. **RESOLUTION NO. 2005-534** - 47TH AMENDMENT TO AAR APPROPRIATING \$62,500 TO FUND RIGHT-OF-WAY ACQUISITION IN UGM TRACT NO. 5237

As he mentioned earlier under "Reports and Comments" Councilmember Westerlund spoke to his desire to have 6-foot sidewalks on all major streets and upon his request developer representative Chris Williams agreed to construct a 6-foot sidewalk on the south side of E. Dakota. Planning Manager Unruh clarified the final map extended to Locan Avenue so the six foot sidewalk would apply to Locan as well whereupon Councilmember Westerlund made a motion to approve staff's recommendation with a 6-foot sidewalk condition for Dakota (south side) and Locan Avenues. Upon question of Councilmember Duncan, Planning & Development Director Yovino clarified

Councilmember Westerlund was planning to bring forth a six foot sidewalk policy for all major streets and staff had no problem with the request.

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On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2005-533 hereby adopted, *as amended, adding a condition for 6-foot sidewalks on Dakota (south side) and Locan Avenues*; the Public Works, Public Utilities and Planning & Development Directors authorized to execute the necessary documents as outlined above, and the above entitled Resolution No. 2005-534 hereby adopted, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : Calhoun

(8:30 A.M. #1) HEARING ON REZONE APPLICATION NO. R-05-84 AND ENVIRONMENTAL FINDINGS FILED BY CENTEX HOMES, SOUTH SIDE OF E. CALIFORNIA AVENUE ALIGNMENT BETWEEN S. ARMSTRONG AND S. TEMPERANCE AVENUES

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-05-84/T-5531/C-05-218, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-156 - ORDINANCE NO. 2005-159 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-1/EA/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the public hearing.

Councilmember Boyajian stated he could not support the project as there would be environmental impacts and no EIR was conducted and added something needed to be done globally to show area impacts and needs. Upon question of Councilmember Westerlund Planning Manager Unruh stated a traffic study was conducted and the study looked at the broader area, area build out, and cumulative impacts. Councilmember Boyajian stated a traffic study was not conducted and explained and questioned where it was if it was done and why it was not made a part of staff's report.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the E.A. dated October 27, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-156 rezoning the subject site adopted as Ordinance No. 2005-159, by the following vote:

Ayes : Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : Calhoun

(8:30 A.M. #2) HEARING ON REZONE APPLICATION NO. R-05-42 AND ENVIRONMENTAL FINDINGS, FILED BY ORIONZO HEDRINGTON, NORTHEAST CORNER OF E. WHITESBRIDGE AND S. MODOC AVENUE

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-05-42, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-157 - ORDINANCE NO. 2005-160 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM C-6 TO R-2

-and-

(8:30 A.M. #3) HEARING ON REZONE APPLICATION NO. R-05-46 AND ENVIRONMENTAL FINDINGS, FILED BY ORIONZO HEDRINGTON, SOUTHWEST CORNER OF STANISLAUS AND "B" STREETS

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-05-46, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-158 - ORDINANCE NO. 2005-161 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6 TO R-2

-and-

(8:30 A.M. #4) HEARING ON REZONE APPLICATION NO. R-05-47 AD ENVIRONMENTAL FINDINGS, FILED BY EVEREST DEVELOPERS, SOUTH SIDE OF W. WHITESBRIDGE BETWEEN S. TRINITY AND S. MODOC AVENUES

- 1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-05-47, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
- 2. **BILL NO. B-159 - ORDINANCE NO. 2005-162** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6 TO R-2

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President Dages announced the time had arrived to consider the issue and opened the hearing.

Project Manager Barnes gave a PowerPoint presentation on the above three hearings, all as contained in the staff reports as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Sterling noted the area was developing with affordable single-family homes, advised apartments were a permissible use but were not wanted and added she would follow the projects closely to ensure apartments are not built, and made a motion to approve staff's recommendations.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, for #2: the environmental finding for the E.A. dated August 18, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-157 rezoning the subject site adopted as Ordinance No. 2005-160; for #3 the environmental finding for the E.A. dated September 16, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-158 rezoning the subject site adopted as Ordinance No. 2005-161; and for #4 the environmental finding for the E.A. dated September 16, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-159 rezoning the subject site adopted as Ordinance No. 2005-162, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : Calhoun

- (8:30 A.M. #5) HEARING ON REZONE APPLICATION NO. R-05-55 AD ENVIRONMENTAL FINDINGS, FILED BY GRANVILLE HOMES, NC., EAST SIDE OF N. CHESTNUT BETWEEN E. SHEPHERD AND E. TEAGUE AVENUES
- 1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-05-55/T-5530, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
 - 2. **BILL NO. B-160 - ORDINANCE NO. 2005-163** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A/UGM TO R-1/UGM

(2 - 0) President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Tackett reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Jeff Roberts, on behalf of Granville Homes, stated he concurred with the staff, planning commission and area committee recommendations and extended his appreciation to staff for all their assistance and support this past busy year.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Assistant Public Works Director Kirn responded to questions of Councilmember Duncan relative to when the traffic signal would be installed at Teague and Chestnut, if the signal installation would be made a condition when the next map comes forward, if this project was making its due contribution to the signal mitigation fund, when the signal would become operational, and if the current policy could be modified to get the signal installed sooner than two years.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the E.A. dated September 16, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-160 rezoning the subject site adopted as Ordinance No. 2005-163, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : Calhoun

(8:30 P.M. #6) HEARING ON REZONE APPLICATION NO. R-05-39 AND ENVIRONMENTAL FINDINGS, FILED BY ZOGRAB TSOLOKIAN, SOUTHWEST CORNER OF THE S. FIFTH STREET AND E. VENTURA AVENUE INTERSECTION

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1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-05-39, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-161 - ORDINANCE NO. 2005-164 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6/cz TO C-6

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Tackett reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the public hearing, and spoke briefly in support and made a motion to approve.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for the E.A. dated July 28, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-161 rezoning the subject site adopted as Ordinance No. 2005-164, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	Calhoun

(8:30 P.M. #7) HEARING ON REZONE APPLICATION NO. R-05-18 AND ENVIRONMENTAL FINDINGS, FILED BY J S LAND COMPANY, SOUTHEAST CORNER OF S. ARMSTRONG AND E. CLINTON AVENUES

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-05-18/T-5501, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-162 - ORDINANCE NO. 2005-165 - AMENDING THE OFFICIAL ONE MAP TO REZONE THE SUBJECT PROPERTY FROM RR AND AE-20 TO R-1/UGM AND R-1-A/UGM, as amended, adding conditions

President Dages announced the time had arrived to consider the issue and opened the hearing.

Planner Braun reviewed the issue including the planning commission's conditions for no more than 2.1 units per acre, a 6' fence along the south and east property lines with lots on those lines limited to single story units, development of 6 lots along Armstrong (reduced from 7), and minimum 20,000 square foot lots along Clinton on the north property line, and recommended approval

Speaking to the issue were applicant representative Ken Crabtree, who stated he was amenable to Councilmember Westerlund's 6-foot sidewalk request and supportive of staff's recommendation; and Michael Timkin, property owner at 2168 N. Armstrong, who spoke to the issues of low density, the block wall, lack of effort by the developer to meet with area residents on the project, piles of rubbish/trash on the site, and need to include the same buffering included in the Dunsmore plan.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Westerlund reviewed the background of the issue and presented questions/comments at length on various issues including the developer agreeing to lower density, the three nursery lots, the trash issue, the developer's efforts to work with area residents, if the developer would try again and meet with residents, the fence condition, agreement with the 6-foot sidewalk request, the single story unit condition, setback requirements, current traffic situation, signalization, request to staff to conduct a one day traffic study when the first home is occupied to see if a four way stop sign is warranted, if the area will be annexed into the city, a traffic study not being required, why traffic studies are not made part of the staff report, stop signs being a county issue/out of the City's jurisdiction/need to make a formal request to Fresno County, and establishment of a central/eastern implementation committee **(3 - 0)**. Mr. Crabtree, Mr. Braun, City Attorney Montoy, Traffic Engineering Manager Mozier, Planning & Development Director Yovino and Mr. Timkin responded to Councilmember Westerlund's questions and/or comments throughout. Councilmember Westerlund made a motion to approve staff's

recommendation along with the planning commission conditions, a one day traffic study by staff, and minimum 6-foot sidewalks on the two collector streets.

Mr. Braun responded to questions/comments of Councilmember Duncan relative to the large nursery parcels, if the remaining property would still qualify as low density if those parcels were to be removed, future plan amendments and concern that there is not enough protection to maintain the area as low density, and desire to have seen this as a low density project without the large parcels.

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Councilmember Sterling commended Mr. Timkin for his participation and input in the 2025 general plan process and explained, and urged the developer to work with the area residents.

Councilmember Westerlund stated Councilmember Duncan made some good points and presented questions relative to the large parcels being part of the rezone application, what the ramifications would be if the parcels were to be conditioned with one home on each parcel, and if the area would still qualify as low density with one home on the two parcels, with Mr. Braun and Mr. Yovino responding. Councilmember Westerlund included in his motion a condition that Lots 78 and 79 each be limited to one home, with Ms. Montoy clarifying that was already implied as part of the rezone application.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for the E.A. dated August 31, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-162 rezoning the subject site adopted as Ordinance No. 2005-165 subject to (1) the conditions imposed by the planning commission, (2) staff conducting a one day traffic study when the first home is occupied, (3) installation of minimum 6-foot sidewalks on the two collector streets, and (4) Lots 78 and 79 each limited to one home, by the following vote:

Ayes :	Perea, Sterling, Westerlund, Dages
Noes :	Boyajian, Duncan
Absent :	Calhoun

President Dages advised the next meeting would be on January 10, 2006, stated he enjoyed this past year as Council President, and wished everyone a Merry Christmas and Happy New Year.

UNSCHEDULED ORAL COMMUNICATIONS:

Upon call, no one wished to be heard.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(A) EXISTING LITIGATION - CASE NAME: DUPONT COMMERCIAL FLOORING SYSTEMS, INC., ETC. V. COF, MAULDIN-DORFMEIER CONSTRUCTION, INC., ET AL, AND CONSOLIDATED AND CROSS ACTIONS, SUPERIOR COURT CASE NO. 03CECG04489 CONSOLIDATED WITH NO. 04CECG00577

The City Council convened in closed session in Room 2125 at the hour of 10:22 a.m. to consider the above matter and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 10:35 a.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

Approved on the 10th day of January, 2006.

/s/

Mike Dages, Council President

ATTEST:

/s/

Yolanda Salazar, Assistant City Clerk

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